

IC 31-14-12

Chapter 12. Enforcement of Support Order Following Determination of Paternity

IC 31-14-12-1

Delinquent child support payments; interest charges

Sec. 1. (a) A court may, upon application by a person or an agency entitled to receive child support payments ordered by the court, order interest charges equal to one and one-half percent (1.5%) per month to be paid on any delinquent child support payment that occurs. The person or agency may apply for interest:

- (1) at the time the support order is issued or modified; or
- (2) whenever support payments are not made in accordance with the support order.

(b) Interest charges may be collected in the same manner as support payments.

As added by P.L.1-1997, SEC.6.

IC 31-14-12-2

Enforcement of judgment; income withholding order

Sec. 2. Upon application for enforcement of a support order, the court may:

- (1) enforce a judgment created under IC 31-16-16-2 (or IC 31-2-11-8 before its repeal) for the unpaid amount;
- (2) issue an income withholding order as provided in IC 31-16-15-1; or
- (3) activate an existing income withholding order as provided in IC 31-16-15-5 or IC 31-16-15-6.

As added by P.L.1-1997, SEC.6.

IC 31-14-12-2.5

State income tax setoff; delinquent child support

Sec. 2.5. (a) This section does not apply to a support order entered in a Title IV-D case.

(b) A custodial parent may, under IC 31-16-12.5, seek a setoff of the state income tax refund of a child support obligor against whom a child support order was entered under IC 31-14-11.

As added by P.L.27-2004, SEC.3.

IC 31-14-12-3

Contempt

Sec. 3. (a) If the court finds that a party is delinquent as a result of an intentional violation of an order for support, the court may find the party in contempt of court.

(b) If an action or request to enforce payment of a child support arrearage is commenced not later than ten (10) years after:

- (1) the child becomes eighteen (18) years of age; or
- (2) the emancipation of the child;

whichever occurs first, the court may, upon a request by the person or agency entitled to receive child support arrearages, find a party in

contempt of court.

(c) The court may order a party who is found in contempt of court under this section to:

(1) perform community restitution or service without compensation in a manner specified by the court; or

(2) seek employment.

As added by P.L.1-1997, SEC.6. Amended by P.L.32-2000, SEC.16; P.L.123-2001, SEC.1; P.L.86-2002, SEC.8.

IC 31-14-12-4

Suspension of delinquent person's driving privileges

Sec. 4. If a court finds that a person is delinquent (as defined in IC 12-17-2-1.5) as a result of an intentional violation of an order for support, the court shall issue an order to the bureau of motor vehicles:

(1) stating that the person is delinquent; and

(2) ordering the following:

(A) If the person who is the subject of the order holds a driving license or permit on the date of issuance of the order, that the driving privileges of the person be suspended until the bureau receives a further order of the court recommending reinstatement.

(B) If the person who is the subject of the order does not hold a driving license or permit on the date of issuance of the order, that the bureau may not issue a driving license or permit to the person until the bureau receives a further order of the court recommending issuance.

As added by P.L.1-1997, SEC.6.

IC 31-14-12-5

Suspension or denial of delinquent person's professional license

Sec. 5. If a court finds that a person who is an applicant (as defined in IC 25-1-1.2-1), a practitioner (as defined in IC 25-1-1.2-6), an attorney, or a licensed teacher is delinquent (as defined in IC 12-17-2-1.5) as a result of an intentional violation of an order for support, the court shall issue an order to the board regulating the practice of the person's profession or occupation:

(1) requiring that the person's or practitioner's license be suspended until further order of the court; or

(2) ordering the board not to issue a license to the person who is the subject of the order if the person does not currently hold a license.

As added by P.L.1-1997, SEC.6.

IC 31-14-12-6

Suspension of delinquent person's horse racing commission or gaming commission license

Sec. 6. If a court finds that a person who holds a license issued under IC 4-31-6 or IC 4-33 is delinquent (as defined in IC 12-17-2-1.5) as a result of an intentional violation of an order for

child support, the court shall issue an order to:

- (1) the Indiana horse racing commission if the person holds a license issued under IC 4-31-6; or
- (2) the Indiana gaming commission if the person holds a license issued under IC 4-33;

requiring that the person's license be suspended until further order of the court.

As added by P.L.1-1997, SEC.6.

IC 31-14-12-7

Suspension, denial, or nonrenewal of delinquent person's insurance, recovery, or bail agent's license

Sec. 7. If a court finds that a person who holds a license or who is an applicant for a license issued under IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3 is delinquent (as defined in IC 12-17-2-1.5) as a result of an intentional violation of an order for child support, the court shall issue an order to the commissioner of the department of insurance:

- (1) requiring that the person's license be suspended until further order of the court;
- (2) ordering the commissioner not to issue a license to the person who is the subject of the order if the person does not currently hold a license; or
- (3) ordering the commissioner not to renew the license of the person who is the subject of the order.

As added by P.L.1-1997, SEC.6. Amended by P.L.132-2001, SEC.22.

IC 31-14-12-8

Provision of information regarding delinquent person to licensing authority

Sec. 8. The Title IV-D agency shall provide the full name, date of birth, verified address, and Social Security number or driving license number of the person who is the subject of an order under:

- (1) section 4 of this chapter to the bureau of motor vehicles;
- (2) section 5 of this chapter to the board regulating the person's profession or occupation;
- (3) section 6 of this chapter to the Indiana horse racing commission or the Indiana gaming commission; and
- (4) section 7 of this chapter to the commissioner of the department of insurance.

As added by P.L.1-1997, SEC.6.

IC 31-14-12-9

Payment of arrearage; stay of order to licensing authority

Sec. 9. Notwithstanding section 4, 5, 6, or 7 of this chapter, the court may stay issuance of an order under section 4, 5, 6, or 7 of this chapter (or IC 31-6-6.1-16(j), IC 31-6-6.1-16(k), IC 31-6-6.1-16(l), or IC 31-6-6.1-16(m) before the repeal of IC 31-6-6.1-16) if:

- (1) the person pays the child support arrearage in full; or
- (2) an income withholding order under IC 31-16-15 (or

IC 31-2-10 before its repeal) is activated and a payment plan to pay the arrearage is established.

As added by P.L.1-1997, SEC.6.